

SENTENCING COMMISSION

MINUTES

Committee:	SENTENCING COMMISSION MEETING				
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Date:	Wednesday, November 5, 2003	Time:	12pm-2pm	Place:	Matheson Courthouse Conf. Room B & C
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Members Present	Paul Boyden, Scott Carver, Blake Chard, Judge Terry Christiansen, K.S. Cornaby, Mary S. Corporon, Senator Mike Dmitrich, Marlene Gonzalez, Judge Paul Maughan, Rep. Ty McCartney, Ed McConkie, G. Fred Metos, Brian Namba, Judge Gregory K. Orme, Michael Sibbett, Kirk Torgenson, Judge Robert S. Yeates
Members Excused	Sheriff Phil Barney, Senator Gregory Bell, Judge Jeffrey Burbank, Calvin Clegg, John Hill, Jim Marchel, Kathy Reimherr, Chief Ed Rhoades, Sy Snarr, Mike Thompson
Staff	Cliff Butter, Gary Franchina, Ron Gordon, Mike Haddon, Jo Lynn Kruse, and visitors Curt Garner, Chris Mitchell.

Agenda Item:	Welcome and Approval of Minutes
Notes:	Kay Cornaby welcomed the commission and visitors. Mike Sibbett motioned to approve the October minutes. Judge Yeates seconded . Passed unanimously.

Agenda Item:	Executive Committee Membership – Kay Cornaby
Notes:	Judge Yeates has been asked to replace Russ Van Vleet on the executive committee. Kay Cornaby asked for a vote of confirmation, passed unanimously .

Agenda Item:	Addendum B – Chris Mitchell
Notes:	<p>The Guidelines Subcommittee could not decide which category to assign code 76-9-702.7, voyeurism. Marlene Gonzalez motioned to categorize it as a person crime. Judge Orme seconded and it passed unanimously.</p> <p>Two relatively new crimes, 76-5-412 Custodial sexual relations and 76-5-413 Custodial sexual relations with youth receiving state services, are now being categorized on the sex offense matrix.</p> <p>The following codes have been placed in the “other” category.</p> <ul style="list-style-type: none"> 76-6-1102 Identity fraud 76-6a-4 Pyramid scheme 76-7-101 Bigamy 76-7-101.5 Child bigamy 76-7-201 Criminal nonsupport 76-7-203 Sale of a child 76-7-310.5 Performing abortion using prohibited procedures 76-7-314 Performing unlawful abortion <p>Considering the entire document, Judge Orme motioned to approve the changes submitted except the prior motion. Paul Boyden seconded and it passed unanimously.</p>

Agenda Item:	Resources Subcommittee Report – Ron Gordon
Notes:	<p>Repealing Utah Code Ann. § 76-8-309.5, Absconding There is no recommendation from the subcommittee, but request further discussion by the full Sentencing Commission. Mike Sibbett states we can do without this code in that it has not deterred any probationers from absconding. Kirk Torgenson requested that the Commission consult with AP&P before acting on this issue. Paul Boyden made a motion to direct Ron to draft a bill repealing the absconding statute, invite AP&P to the next meeting where the issue will be further discussed. Fred Metos seconded and it passed unanimously.</p> <p>Sentencing policy for drug crimes – The subcommittee recommends adoption of the controlled substances draft bill. This bill would give the sentencing judge the option of imposing 3 to life, 5 to life or 7 to life for first degree felony drug offenses. Drug King Pin offenses would remain 7 to life. Mike Sibbett fears that this would be a very expensive bill and would not be good policy. Senator Dimitrich states that if this bill has a fiscal note attached, it will not pass. Kirk Torgenson motioned to reject the proposed bill. Mike Sibbett seconded and it passed unanimously.</p> <p>Probation Management – The subcommittee proposes a statewide approach to early termination of probation for low-risk offenders to help the Department of Corrections maintain the quality of supervision for all offenders. Mary Corporon made the motion to draft a proposed amendment to existing legislation that probation for felony offenses be 18 months for non-violent, non-sex crime felonies and remain 36 months for violent crimes and sex crimes of any degree. Mike Sibbett seconded. Discussion ensued and Mike Sibbett remarked that we might not want to rush into legislation. Scott Carver wants to discuss this with his organization. Mary Corporon made a substitute motion to discuss the issue on the 2004 annual meeting in April. Mike Sibbett seconded and it passed unanimously.</p>

The next meeting is scheduled for Wednesday, December 3, 2003 at noon, Matheson Courthouse, Executive Dining Room

Minutes prepared by Jo Lynn Kruse - Executive Secretary CCJJ